


IT IS SO ORDERED.

Dated: 29 October, 2013 09:23 AM



Handwritten signature of Jessica E. Price Smith in black ink.

JESSICA E. PRICE SMITH  
UNITED STATES BANKRUPTCY JUDGE

BK1304394  
(bas)

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
AT CLEVELAND

IN RE:

TIMOTHY JOSEPH PATETE

Debtors

Case No. 13-13806

Chapter 13  
Judge Price Smith

**AGREED ORDER RESOLVING  
OBJECTION TO DEBTOR'S SECOND  
MOTION TO MODIFY PLAN FILED BY  
CITIMORTGAGE, INC. FILED 9/12/13  
AS DOC. 49 (PROPERTY ADDRESS: 29  
PRATT STREET, MAYVILLE, NY  
14757)**

This matter having come before the Court upon the Objection to Debtor's Second Motion to Modify Plan (hereinafter "Objection") by the secured creditor, CitiMortgage, Inc. ("Creditor"); and it appearing to the Court that the parties have agreed to a course of action which will otherwise resolve the Objection; and the Court, being otherwise fully advised in the premises, hereby makes the following findings of facts and issues the following Order with respect thereto:

1. The parties hereby agree that debtor shall tender to Creditor post-petition payments beginning with the payment due June 2013 while an application for a loan modification is being considered (at the contractual rate unless modified by a trial modification).

2. The parties further agree that in the event the loan modification is completed and said modification subsumes all pre-petition arrears, the Proof of Claim arrearage of said Creditor would be reduced to \$0.

3. The parties further agree that the Trustee will not make any payments on the pre-petition arrearage claim while an application for loan modification is pending.

4. The parties further agree that in the event a loan modification is denied, the debtor will surrender the subject property and the Creditor may seek relief from the automatic stay based on this reason.

5. The parties further agree that the debtor has 9 month to complete any loan modification process. In the event the Debtor cannot complete the loan modification process in this time, the debtor will surrender the subject property and the Creditor may seek relief from the automatic stay based on this reason.

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SUBMITTED BY:

APPROVED BY:

/s/ Steven H. Patterson\_\_\_\_\_

Steven H. Patterson, Case Attorney  
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/s/ Richard H. Nemeth per email  
authorization 10/23/13\_\_\_\_\_

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